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S/1999/1098
28 October 1999

ORIGINAL: ENGLISH

REPORT OF THE SECRETARY-GENERAL ON THE SITUATION CONCERNING WESTERN SAHARA

I. INTRODUCTION

1. The present report is submitted pursuant to Security Council resolution 1263 (1999) of 13 September 1999, by which the Council extended the mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO) until 14 December 1999. The Council requested me to report to it every 45 days on significant developments in the implementation of the Settlement Plan for Western Sahara (S/21360 and S/22464 and Corr.1), of the agreements reached between the parties, the Kingdom of Morocco and the Frente Popular para la Liberación de Saguía el-Hamra y del Río de Oro (Frente POLISARIO), under the auspices of my Personal Envoy, Mr. James A. Baker III (S/1997/742, annexes I-III) and of the United Nations package of measures (S/1999/483/Add.1). The present report covers developments since my previous report to the Security Council dated 8 September 1999 (S/1999/954).

II. DEVELOPMENTS DURING THE REPORTING PERIOD

2. My Special Representative, William Eagleton, together with the Chairman of the Identification Commission, Eduardo Vetere, visited United Nations Headquarters for consultations from 8 to 15 September 1999. They pursued subsequent consultations with the parties in the region with regard to the appeals process and the simultaneous identification of remaining applicants from tribal groupings H41, H61 and J51/52, as well as to the preparatory work for the repatriation of refugees and other Saharans residing outside the Territory who are eligible to vote, together with their immediate families. In this regard, my Special Representative met with the Minister for Foreign Affairs of Morocco, Mohamed Benaissa, at Rabat on 5 and 12 October 1999, and with the new Moroccan Coordinator with MINURSO, Mohamed Loulichki, at Laayoune on 7 October 1999 and thereafter; both reiterated their Government's position that the Settlement Plan and subsequent agreements should be fully implemented, and that all applicants have the right to appeal. My Special Representative was assured of the Frente POLISARIO's firm commitment to the referendum process by Secretary-General Abdelaziz and the Coordinator with MINURSO, Emhamed Khaddad, at Tindouf on 8 and 9 October 1999. The Chairman of the Identification Commission also met with the POLISARIO Coordinator at Tindouf on 6 October 1999, and with the Moroccan

Coordinator at Laayoune on 8 and 19 October 1999. I met with the Minister for Foreign Affairs of Morocco, Mohamed Benaissa, and the Frente POLISARIO Coordinator with MINURSO, Emhamed Khaddad, at Headquarters on 29 September and 28 October 1999, respectively.

3. In the meantime, on 29 September 1999, King Mohammed VI appointed Mr. Loulichki as Morocco's new Ambassador-Coordinator with MINURSO. Some days earlier, on 23 September, it was announced that the King had also created a Royal Commission on Western Sahara affairs, whose members would include Saharans, other representatives of the Territory's population, military and government officials. These two decisions were made against the background of communal disturbances at Laayoune on 27 and 28 September 1999, which followed the break-up by police of a student and worker demonstration on 22 September 1999. In this regard, I received a letter of protest dated 23 September 1999 from the Secretary-General of the Frente POLISARIO, Mohamed Abdelaziz. MINURSO has reported that the Moroccan authorities released those detained on 22 September, sanctioned security officials and sentenced to prison 27 persons who participated in communal rioting and looting on 27 and 28 September, and that a Moroccan ministerial delegation was dispatched to Laayoune on 6 October 1999 to address grievances.

A. Identification and appeals

4. On 6 September 1999, MINURSO's identification operations for individual applicants from tribal groupings H41, H61 and J51/52 resumed at five centres (Assa, Goulimine and Tan Tan in southern Morocco, and Nouadhibou and Zouerate in Mauritania). On 13 September 1999, the Rabat and Goulimine identification centres were opened, followed by those at Zagora on 14 October and at Taroudant on 21 October 1999. The Tata centre in southern Morocco is to open on 22 November 1999. Identification operations in Mauritania concluded at Nouadhibou on 14 September and at Zouerate on 5 October 1999. As at 22 October 1999, the number of applicants identified since 15 June 1999 stood at 29,818, bringing the total of applicants interviewed by the Identification Commission since 1994 to 177,067. According to MINURSO's estimates, if the current pace of identification is maintained, with the cooperation of the parties the identification of remaining applicants from the above three tribal groupings should be completed by the end of December 1999 or at the latest by mid-January 2000.

5. By the closing date for the submission of appeals on 18 September 1999, MINURSO had received 79,125 appeals (a preliminary figure which may be subject to some change, pending completion of data entry and checking). During the six weeks allotted for the submission of appeals, operating hours at the centres were extended beyond the required seven hours per day in order to accommodate the large number of applicants. In the first two weeks, most applicants wished to check the first part of the provisional voters list issued on 15 July 1999 (S/1999/875, para. 7) and to obtain file transcripts. In the third week, a large number of applicants asked to consult their files, and some registered their appeals. From the fourth week onwards, the number of appeals filed increased steadily, and the Identification Commission deployed additional staff and computer equipment to the appeals centres. The bulk of the appeals

received, including challenges to inclusion in the provisional voter list under article 9.2 of the appeals procedures (S/1999/483/Add.1), was registered in the final two weeks allotted for the submission of appeals. Applicants visited the centres more than once, to obtain transcripts and appeal forms, to request access to their files, to consult the files and to lodge appeals. The total number of applicants received at the various centres was 71,420. The Identification Commission provided 34,296 file transcripts to the applicants. A total of 15,384 applicants were provided access to consult their identification files.

6. Since 18 September 1999, the Identification Commission has been actively working at Laayoune and Tindouf to process data, sort appeals according to tribal sub-fraction and place of residence, cross-reference appeals with the identification files, notify persons whose inclusion in the provisional voters list was challenged, analyse the appeals, and plan organizational and logistic arrangements for appeal hearings. Given the great number of appeals registered and of related documents to be examined, this preliminary processing of appeal files may not be completed before 15 November 1999.

7. Preliminary statistical analysis of the appeals shows that the overwhelming majority of appeals filed (65,072) are against exclusion from the first part of the provisional list of persons eligible to vote, and fall under article 9.1 (iii) of the appeals procedures (S/1999/483/Add.1). Almost all of these appellants intend to present one or two witnesses, whereas comparatively few produce documentary evidence. There are 925 appeals under article 9.1 (i) of the appeals procedures, from applicants mostly from Mauritania or outside the region, on the grounds that they had not been convoked or identified by the Commission although they had filed an application for identification; 1,607 applicants who claim force majeure under article 9.1 (ii); and 644 appeals under article 9.1 (iv) from persons included in the revised census list of 1991 who have not been convoked for identification. The remaining 166 cases have yet to be classified. The table in annex I to the present report summarizes the appeals by place of filing and broad category. Most of the 14,053 appeals against inclusion, under article 9.2 of the appeals procedures, allege mistaken identity, with the remainder alleging failure to meet the criteria for voter eligibility. These 14,053 appeals have been presented by 1,199 individuals (1,156 in the Territory and Morocco, and 53 in the Tindouf camps), which indicates multiple challenges.

8. It is estimated that 36 additional Identification Commission members would be required, above the 30 currently authorized, together with corresponding numbers of United Nations registration/appeals officers, assistants and other personnel, including civilian police and support staff, to consider admissibility and hold hearings on almost 80,000 appeals over a period of 10-12 months. This does not include the time and resources required for eventual appeals from the individual applicants of tribal groupings H41, H61 and J51/52 who are currently being identified.

9. A meeting of all Identification Commission members and registration officers was held at Agadir on 2 October 1999 to evaluate experience gained in the first phase of appeals and to plan for the admissibility and hearing stage. The meeting also assessed the progress and decision-making quality issues in the

identification operations. In the coming weeks, the Identification Commission intends to examine further, in consultation with the parties and the Secretariat, several issues bearing on the conduct, duration and resource requirements for the appeals process, notably the application of the admissibility requirements and the availability of sheikhs, Commission staff and observers of the Organization of African Unity.

10. During the reporting period, the communications matériel which had been held for several weeks at the airport customs at Laayoune (S/1999/954, para. 8), was finally released by the Agence nationale de réglementation des télécommunications.

B. Military aspects

11. As at 18 October 1999, the strength of the military component of MINURSO stood at 229 all ranks (see annex II). Under the command of Major-General Bernd S. Lubenik (Austria), the military component continued to monitor the ceasefire between the Royal Moroccan Army and the Frente POLISARIO forces, which came into effect on 6 September 1991. The MINURSO area of responsibility remains calm and there have been no indications that either side intends to resume hostilities in the near future.

12. Discussions were pursued on modalities for the implementation of paragraph 42 of the status-of-forces agreement between the United Nations and Morocco concerning the carriage of weapons. The text of an arrangement pursuant to that paragraph was agreed and signed by MINURSO and the Moroccan military authorities on 26 October 1999.

13. Progress continued to be made in the implementation of the military agreements between MINURSO and the two parties on the marking and disposal of unexploded ordnance and the related exchange of information, with completion of 70 per cent of current tasks West of the defensive sand-wall (berm) and 53 per cent of those East of the berm. However, activities to that effect slowed considerably on the Moroccan side during the reporting period, and the Royal Moroccan Army sub-sector commanders were therefore urged by MINURSO to keep up with the implementation of the agreement on the marking and disposal of unexploded ordnance.

14. The tour of duty of Major-General Lubenik as Force Commander of MINURSO comes to an end on 31 October 1999. I wish to place on record the appreciation of the United Nations for Major-General Lubenik's leadership of the military observers and other units under his command in the period since August 1997.

C. Civilian police aspects

15. During the reporting period, the civilian police component of MINURSO continued to assist the Identification Commission at the identification and appeals centres. The current strength of the component stands at 81 civilian police officers (see annex II) as authorized, under the command of the Acting Commissioner, Assistant Commandant Sunil Roy (India). It is expected that the

new Police Commissioner, Inspector General of Police Om Prakash Rathor (India), will take up his duties in the mission area in early November 1999.

16. The work of the civilian police of MINURSO remains closely linked to the identification process. Officers provide 24-hour security, as required, escort the respective observers and Saharan sheikhs of the other party to the identification centres in Western Sahara and the Tindouf area of Algeria, as well as in Morocco and Mauritania. The civilian police officers contribute directly to various identification activities. In addition to controlling access and ensuring order at the identification centres, the civilian police officers provide 24-hour security for sensitive files, and assist Commission members in the identification work by taking photographs and fingerprints of new applicants. An additional 25 civilian police officers will be required to assist the Identification Commission in conducting the identification and appeals processes simultaneously.

D. Preparatory work for the repatriation of Saharan refugees

17. During the reporting period, the Office of the United Nations High Commissioner for Refugees (UNHCR), in close consultation and coordination with MINURSO, continued its preparatory work for the repatriation of Saharan refugees as provided for under the Settlement Plan.

18. Pursuant to Security Council resolution 1238 (1999), UNHCR held discussions with the Frente POLISARIO in the Tindouf area of Algeria on 28 September 1999, regarding the draft plan of action on cross-border confidence-building measures. While agreeing in principle to the activities envisaged by UNHCR in its draft plan, which is aimed at fostering a climate of confidence within the Territory and in the Tindouf refugee camps, the Frente POLISARIO expressed the refugees' concerns over their safety and security during the implementation of these activities in the Territory, and over the time-frame proposed. The Frente POLISARIO added that the confidence-building activities envisaged should be implemented only when guarantees regarding safety, security and freedom of movement and speech are in place in the Territory West of the berm. Although the refugees in the camps had welcomed the proposed confidence-building measures, their concerns regarding safety and security were also noted by UNHCR during its pre-registration and needs-assessment exercise in the camps.

19. UNHCR also discussed with MINURSO the above security concerns of the refugees, and this issue will be further pursued by my Special Representative with the two parties. In the meantime, since UNHCR has obtained the parties' agreement in principle, it will pursue consultations with both sides in order to reach an understanding on the modalities for the implementation of the above-mentioned draft plan of action, including its time-frame.

20. As indicated in my previous report (S/1999/954), UNHCR had held preliminary discussions with the Moroccan authorities on the draft refugee repatriation protocol. During the reporting period, some discussion also took place with the Frente POLISARIO regarding that draft.

21. UNHCR's pre-registration exercise to ascertain the refugees' willingness to repatriate and to determine their final destinations in the Territory continued at the last Tindouf camp, Camp Smara, with 3,538 refugees pre-registered thus far. This brings the total number of refugees pre-registered since the exercise began in the Tindouf camps in 1998 to 68,556. The exercise in the camps, including electronic data collection, is expected to be completed by mid-December 1999. Pre-registration was completed at Nouadhibou and Zouerate in Mauritania, with a total of 26,416 persons pre-registered. UNHCR will need to update its planning assumption after the completion of the entire pre-registration exercise.

22. During UNHCR's pre-registration and needs assessment of refugees in the Tindouf camps, the vast majority continued to express their desire to repatriate only to the Territory East of the berm due to fear for their safety and security if they returned West of the berm. The refugees also continued to express their doubts of the United Nations ability to guarantee their safety and security during the transitional period under the Settlement Plan. Despite UNHCR's best efforts to explain the United Nations role in ensuring their safety and security, the refugees maintained those concerns, and added that recent events in East Timor and at Laayoune have further decreased their confidence in the United Nations ability in this regard.

23. Regarding UNHCR's logistics reconnaissance and infrastructure development planning, dates are being finalized with the Moroccan authorities for the second joint reconnaissance visit to Smara and Boujdour in the Territory. It will also be necessary for UNHCR to complete reconnaissance surveys in the Territory East of the berm to enable it to complete its repatriation plan, including for those refugees who may have originated from that area and expect to return there, as well as for those who expect to transit by road to the West of the berm.

III. FINANCIAL ASPECTS

24. The General Assembly, by its resolution 53/18 B of 8 June 1999, appropriated the amount of $52.1 million, equivalent to a monthly rate of some $4.3 million, for the maintenance of MINURSO for the period from 1 July 1999 to 30 June 2000 at the strength authorized by the Council in its resolution 1133 (1997). With regard to the additional costs associated with the simultaneous conduct of the identification and appeals processes described in my previous report to the Council, I obtained authorization from the Advisory Committee on Administrative and Budgetary Questions to enter into commitments to incur additional expenditure for this purpose in an amount of $5.1 million. As at 15 October 1999, unpaid assessed contributions to the MINURSO special account amounted to $71.2 million. The total outstanding assessed contributions for all peacekeeping operations at that date amounted to $1,796.1 million.

IV. OBSERVATIONS

25. During the period under review, further progress was made in the conduct of identification operations for the H41, H61 and J51/52 tribal groupings. I urge both parties to maintain their cooperation so as to ensure completion of this important activity by the end of December 1999, as currently planned.

26. As described in the present report, the receipt of appeals has been completed. In exercising their rights, a very large number of applicants submitted appeals. The more than 79,000 appeals received correspond very closely to the number of persons omitted from the first part of the provisional list of potential voters issued on 15 July 1999. Under these circumstances, we might be confronted with a lengthy appeals process, involving almost all applicants rejected in the first instance, as well as a large number of applicants whose inclusion in the provisional voter list has been challenged. Depending on the results of MINURSO's analysis of the admissibility of these appeals, this outcome will require a thorough consideration of all relevant consequences relating to the application of the appeals procedures, to the staff, financial and other resources required, and to the timetable for holding the referendum. I have asked my Special Representative to consult further with the parties in this respect in order to be able to provide the Security Council, in my report due in early December 1999, with a realistic assessment, including implications, of the steps ahead.

27. MINURSO has completed its consultations with the Moroccan military authorities on the modalities for the implementation of paragraph 42 of the status-of-forces agreement concerning the carriage of weapons by MINURSO troops. The text of an arrangement was signed by MINURSO and the Moroccan military authorities on 26 October 1999.

28. It is regrettable that after its presentation to the Security Council in June 1999 and the discussions held with the parties, the UNHCR draft plan of action on confidence-building measures has yet to be implemented. The importance of fostering a climate of trust and confidence between the parties as called for by the Settlement Plan cannot be overemphasized. I urge both parties to cooperate fully with MINURSO and UNHCR for the immediate initiation of the confidence-building measures to which both parties have agreed in principle.

Annex I

Appeals received, by area of filing and by category

Location	Against exclusion	Against inclusion	Total	Percentage
Territory	21 017	11 903	32 920	41
Morocco	41 697	23	41 720	53
Tindouf	1 444	2 127	3 571	5
Mauritania	914	0	914	1
Total	65 072	14 053	79 125	100

Annex II

United Nations Mission for the Referendum in Western Sahara

Contributions as at 18 October 1999

	Military observers	Staff officers	Troops	Civilian police observers	Total
Argentina	1	-	-	-	1
Austria	5	-	-	-	5'
Bangladesh	6	-	-	-	6
China	16	-	-	-	16
Egypt	19	-	-	1	20
El Salvador	2	-	-	-	2
France	25	-	-	-	25
Ghana	6	-	7	10	23
Greece	1	-	-	-	1
Guinea	3	-	-	-	3
Honduras	12	-	-	-	12
Hungary	-	-	-	4	4
India	-	-	-	11	11
Ireland	7	-	-	-	7
Italy	5	-	-	-	5
Kenya	8	-	-	-	8
Malaysia	13	-	-	10	23
Nigeria	5	-	-	10	15
Norway	-	-	-	2	2
Pakistan	6	-	-	9	13
Poland	3	-	-	-	3
Portugal	4	-	-	9	13
Republic of Korea	-	-	20	-	20
Russian Federation	24	-	-	-	24
Senegal	-	-	-	5	5
Sweden	-	-	-	10	10
Uruguay	13	-	-	-	13
United States of America	15	-	-	-	15
Venezuela	3	-	-	-	3
Total	202	-	27	81	310

' In addition to the Force Commander.

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LETTER DATED 25 OCTOBER 1999 FROM THE PERMANENT REPRESENTATIVE OF ANGOLA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit the text of the message dated 18 October 1999 from João Bernardo de Miranda, Minister of External Relations, to the Secretary-General, and request that it be circulated as a document of the Security Council.

(Signed) Afonso VAN DUNEM "MBINDA"
Ambassador
Permanent Representative

99-32184 (E) 291099

/...

Annex

Letter dated 18 October 1999 from the Minister of External Relations of Angola addressed to the Secretary-General

I have the honour to convey to you that my Government has given its consent to the installation of a United Nations office in Angola. Its composition should be of up to 30 elements.

As you may recall, in my letter dated 29 June 1999, I stressed that, under the present circumstances, a United Nations presence in Angola can only be of great utility and effectiveness if its activity is restricted to the area of humanitarian assistance and the capacity-building and strengthening of Angolan Government institutions in the field of human rights.

In this context, my Government reaffirms its position to the effect that the mandate of the United Nations office in Angola should be to serve as a liaison between the Government of Angola and the Secretary-General, with a view to ensuring a close follow-up to the situation in Angola by the Security Council in matters related to humanitarian assistance and the capacity-building and strengthening of Angolan Government institutions for the promotion and protection of human rights.

In this way, we will be confining ourselves to the spirit of Security Council resolution 1229 (1999) of 26 February 1999, as well as the statement dated 21 January 1999 by the President of the Security Council (S/PRST/1999/3). I seize the opportunity of this exchange of letters to try to spell out the definition of its mandate and the scope of the activity.

With a view to facilitating the communication and coordination between the Government of Angola and you, it would be advisable that one head officer is appointed. Any other member of the office, regardless of his or her specific area of activity, should be subordinated to the head officer.

As to the Unit for the Coordination of Humanitarian Assistance, we support its role. My Government has no objection as to its current configuration, that is, independent from the United Nations office in Angola.

With regard to the privileges and immunities of the United Nations office in Angola and its members, they will continue to be granted in accordance with the relevant international conventions to which my Government is a signatory, namely, the Convention on the Privileges and Immunities of the United Nations.

Concerning the questions related to public information, the Government of Angola is of the opinion that, given the nature and the scope of the mission, the installation of a broadcasting station and the allocation of a special space in the media will not be required. This, however, should not preclude the right to accede to national television and broadcasting in order to report information about its activity.

Concerning the denomination of the future United Nations mission to Angola, we have nothing to oppose. The acronym UNOA for the United Nations Office in Angola is acceptable to us.

At this point in time, it is our belief that the necessary conditions for the conclusion and signing of the headquarters agreement are already in place.

Meanwhile, it is our sincere hope that the observations I have made will be taken into account so that the United Nations Office in Angola can begin its operation as quickly as possible.

(Signed) João Bernardo de MIRANDA
Minister of External Relations

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LETTER DATED 28 OCTOBER 1999 FROM THE CHARGÉ D'AFFAIRES A.I. OF THE PERMANENT MISSION OF THE SUDAN TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

Please find enclosed an article that appeared in The New York Times of today's date, entitled "To bomb Sudan plant, or not: a year later, debates rankle", in which the paper has provided more details about the mistake committed by the United States when it attacked the Al-Shifa pharmaceutical factory on 20 August 1998 (see annex).

1. The paper indicated that after the United States attack on Al-Shifa pharmaceutical factory, western engineers who had worked at the factory were asserting that it was, as the Sudan claimed, a working pharmaceutical plant. Reporters visiting the ruined building saw bottles of medicine but no signs of security precautions and no obvious signs of a chemical weapons manufacturing operation.

2. The article stated that, soon after the strike, word began to filter out of the Government that senior United States intelligence officials, including Jack Downing, head of the CIA's Directorate of Operations, its clandestine espionage arm, believed the Sudan strike was not justified. Others raising similar questions included the head of the African Division in the clandestine service and the chief of the CIA's Counter-Terrorism Center, whose own office had collected the intelligence on the site. The article went on to say that those officials found the connections between the Sudan, Al-Shifa and bin Laden too indirect to support the Administration's public statements justifying the attack.

3. The paper also mentioned that the United States Assistant Secretary of State, Phyllis Oakley, questioned the attack and prepared a report confirming that the CIA's evidence on which the attack had been based was inadequate, but this report was suppressed by senior United States officials. She privately expressed a sense of frustration and concern over the decision. Other officials in the intelligence bureau have also expressed concern over the action.

4. The article by The New York Times is further evidence refuting the United States allegations about Al-Shifa factory which lack precise information and are deceiving at the same time, propagated by the American Administration to justify

its treacherous aggression against a pharmaceutical factory which produces only human and veterinary medicine.

I should be grateful if you could have the present letter and its annex circulated as a document of the Security Council.

(Signed) Mubarak RAHMTALLA
Chargé d'affaires a.i.
Deputy Permanent Representative

Annex

To Bomb Sudan Plant, or Not: A Year Later, Debates Rankle

News Article by NYT on October 27, 1999 at 07:54:14:

To Bomb Sudan Plant, or Not: A Year Later, Debates Rankle

THE NEW YORK TIMES
October 27, 1999
By JAMES RISEN

WASHINGTON -- In the 14 months since President Clinton ordered a cruise missile strike on a pharmaceutical plant in Sudan, his aides have steadfastly defended the decision. Clinton, they say, acted on evidence that left no doubt the factory was involved with chemical weapons and linked to Osama bin Laden, the Saudi exile they blame for blowing up two U.S. embassies in East Africa.

But a re-examination of the decision, based on interviews with key participants, shows that it was far more difficult than the administration has acknowledged and that the voices of dissent were numerous.

Officials throughout the government raised doubts up to the eve of the attack about whether the United States had sufficient information linking the factory to either chemical weapons or to bin Laden, according to participants in the interviews. They said senior diplomatic and intelligence officials had argued strenuously over whether any target in Sudan should be attacked.

Aides passed on their doubts to the secretary of state and the director of central intelligence, officials said. But the national security advisor, Sandy Berger, who played a pivotal role in approving the strike, said in an interview that he was not aware of any questions about the strength of the evidence on the factory before the attack.

In the aftermath, some senior officials moved to suppress internal dissent, officials said. Secretary of State Madeleine Albright and a senior deputy, they said, encouraged State Department intelligence analysts to kill a report being drafted that concluded that the bombing was not justified.

The new accounts of the deliberations provide the clearest explanation to date of the reasoning behind one of the most debated military actions

undertaken by the administration.

Some officials said they were told that the president and his aides had approved the operation -- code-named Infinite Reach -- to show that the United States could hit back against an adversary that had bombed U.S. embassies simultaneously in two countries.

And, some officials said, the president's chief advisers concluded that the risks of striking the wrong target were far outweighed by the possibility that the plant in Sudan was making chemical weapons for a terrorist eager to acquire and use them.

Like many decisions of this kind, the decision to bomb the plant was made under intense pressure and with a sense of urgency created by intelligence showing that bin Laden was contemplating another lethal attack against the United States. "We would have been derelict in our duty not to have proceeded," Berger said.

Current and former U.S. officials agreed to discuss the operation because, more than a year later, they continue to be plagued by doubts about whether it was justified. They said they are still troubled by the lack of a full airing of what they view as gaps in the evidence linking the plant, called Al Shifa, to bin Laden. And they complain that the decision-making process was so secretive that Al Shifa was not vetted by many of the government's experts on chemical weapons sites or terrorism.

The officials brought to light several previously unknown aspects of the strike.

For example, at the pivotal meeting reviewing the targets, the director of central intelligence, George Tenet, was said to have cautioned Clinton's top advisers that while he believed the evidence connecting bin Laden to the factory was strong, it was less than iron clad.

He warned that the link between bin Laden and the factory could be "drawn only indirectly and by inference," according to notes taken by a participant. The plant's involvement with chemical weapons, Tenet told his colleagues, was more certain, confirmed by a soil sample taken from near the site that contained an ingredient of nerve gas.

Berger said he does not recall that Tenet raised any such doubts at the meeting. "I would say the director was very clear in his judgment that the plant was associated with chemical weapons," Berger said. "No one in the discussion questioned whether Al Shifa was an appropriate target."

Just a few hours before the attack, officials said, Clinton called off a planned attack on a second target in Sudan, a tannery, after senior military officers raised questions about the risks of civilian casualties and the evidence connecting it to bin Laden. The last-minute campaign was

led by Gen. Harry H. Shelton, who enlisted other senior officers in an effort to undo the recommendation of Clinton's civilian advisers.

On Aug. 20, 1998, U.S. missiles hit two targets, demolishing Al Shifa and several of bin Laden's camps in Afghanistan. Within days, Western engineers who had worked at the Sudan factory were asserting that it was, as Sudan claimed, a working pharmaceutical plant. Reporters visiting the ruined building saw bottles of medicine but no signs of security precautions and no obvious signs of a chemical weapons manufacturing operation.

In the days after the strike, as criticism mounted, the administration closed ranks, publicly asserting that the intelligence was persuasive. But the doubts persisted, particularly at the State Department Bureau of Intelligence and Research.

Before the attack, the bureau had written a report for Albright questioning the evidence linking Al Shifa to bin Laden.Following the bombing, analysts renewed their doubts and told Assistant Secretary of State Phyllis Oakley that the CIA's evidence on which the attack had been based was inadequate.

Ms. Oakley asked them to double-check; perhaps there was some intelligence they had not yet seen. The answer came back quickly: There was no additional evidence.

Ms. Oakley called a meeting of key aides and a consensus emerged: Contrary to what the administration was saying, the case tying Al Shifa to bin Laden or to chemical weapons was weak. Ms. Oakley told her aides to draft a report reflecting their skepticism, a significant step because there was a chance its findings might leak out.

Ms. Oakley told Under Secretary of State Thomas Pickering that her aides were preparing a report that would sharply question the bombing.

Officials said Pickering asked whether the report contained any information omitted from the State Department's previous study. Ms. Oakley said no. In that case, Pickering said, there was no reason to raise the issue again.

"After the Al Shifa strike," Pickering said in an interview, Ms. Oakley told him her staff "was working on a draft, and we both agreed that there was nothing new in what it had to say. She and I discussed the idea of pursuing it further, and I said I didn't see the value in pursuing it further, and she agreed."

But other officials say that while she accepted the order to kill the report, Ms. Oakley, who retired from the State Department last month after 42 years, privately expressed a sense of frustration and concern over the

decision. Other officials in the intelligence bureau have also expressed concern over the action. Ms. Oakley declined to be quoted in this article.

"It was after the strike and I didn't see the point," Pickering said. "There was not an effort to shut off a new inquiry."

Ms. Oakley passed on Pickering's order to her analysts.

A couple of days later, Albright asked Ms. Oakley about the report and was assured that work had been stopped. Ms. Oakley replied that there was not going to be any report, according to people familiar with the conversation.

Albright doesn't recall the details of her conversation with Ms. Oakley, but does remember that she was "not interested in having that debate rehashed," said James Rubin the State Department spokesman.

Pickering said the report was being drafted solely for the use of himself and Albright, both of whom were already aware of the intelligence bureau's qualms.

A reconstruction of events shows that Ms. Oakley was hardly the only senior government official to question the intelligence linking Sudan, bin Laden and chemical weapons.

Washington's suspicions about Sudan's links to chemical weapons date back to the aftermath of the Persian Gulf War in 1991. The CIA received reports that Iraqi chemical weapons experts had visited Khartoum, prompting suspicions that Iraq was shifting some of its production of chemical weapons to Sudan.

At about the same time, bin Laden moved to Sudan after his exile from Saudi Arabia and began to invest heavily in Sudanese commercial enterprises, often through joint ventures with the government, while using Sudan as a base for his loosely knit international terrorist organization, Al Qaeda, U.S. intelligence officials said.

The CIA received intelligence reports indicating that in 1995, bin Laden won tentative approval from Sudanese leaders to begin developing chemical weapons in Sudan for use against U.S. troops in Saudi Arabia. But in 1996, the Sudanese, responding to pressure from the U.S. and Saudi Arabia, forced bin Laden to leave, prompting the Saudi radical and many of his supporters to retreat to Afghanistan.

By then, the United States had pulled its embassy staff out of Sudan and had closed down the CIA's Khartoum station, citing threats of terrorist action. Some U.S. intelligence officials now acknowledge that the decision to pull out left the United States with only a limited capacity to understand events in Sudan.

Suspicions about the Al Shifa plant arose in the CIA in the summer of 1997. U.S. intelligence officials said an informant reported that two facilities in Khartoum might be involved in chemical weapons production. The informant also mentioned a third site -- Al Shifa -- on which he had less information but which was suspicious because it had high fences and stringent security.

In December 1997, an agent working for the CIA collected a soil sample at a site about 60 feet away from the plant, directly across an access road from the main entrance, according to U.S. officials. U.S. officials say the sample was taken on open ground outside the factory fence, on land that does not appear to have been owned by Al Shifa.

That soil contained about two and a half times the normal trace amounts of Empta, a chemical used in the production of VX nerve gas, a senior U.S. official said. The results prompted a heated debate among U.S. intelligence analysts about Al Shifa's possible links to weapons of mass destruction and terrorism.

On July 24, 1998, the CIA issued its first report on Al Shifa, based on the soil sample, spy satellite photographs and other intelligence. The CIA report highlighted apparent links between Al Shifa and bin Laden, including indirect financial connections through Sudan's Military Industrial Corporation.

But CIA analysts also suggested that additional information would be needed to be more certain about Al Shifa. One key paragraph, entitled "next steps," called for more soil samples to be taken and requested additional spy satellite photographs of the site.

The report also raised a new question about the evidence against Al Shifa by noting that there were no longer signs of heavy security around the plant.

On Aug. 4, 1998, the CIA issued a more ominous report, one that assessed the possible connection between Sudan, bin Laden and his efforts to obtain chemical weapons. It mentioned Al Shifa, but the report's highlight was new intelligence indicating that bin Laden, who earlier in the year had announced a renewed "holy war" against the United States, had acquired chemical or nuclear materials and "might be ready" to conduct a chemical attack.

At the State Department, intelligence analysts responded with skepticism. In an Aug. 6 memo for senior department policymakers, Ms. Oakley's analysts argued that, even with the new intelligence in the Aug. 4 report, the evidence linking Al Shifa to bin Laden and chemical weapons was still weak.

The next day, the U.S. embassies in Nairobi, Kenya, and Dar es Saalam, Tanzania, were bombed, and the United States soon concluded bin Laden was behind both attacks.

Clinton and a small group of his most senior advisors -- including Berger, Defense Secretary William Cohen, Albright, Pickering, and Gen. Henry Shelton, chairman of the Joint Chiefs of Staff -- quickly decided to retaliate.

On August 8, the president's senior advisors ordered the Pentagon's Joint Staff and the CIA to provide a list of sites connected to bin Laden and his organization that could be bombed.

A group of officials that included the CIA's Counter-Terrorism Center prepared a list of about 20 possible targets in three countries: Afghanistan, Sudan and one nation that U.S. officials declined to identify. It spelled out the evidence linking each target to bin Laden's organization and weighed the risks, including those for "collateral damage" -- the military term for accidentally hitting civilians. The plant at Al Shifa was on the list, officials said.

On Aug. 11, senior U.S. intelligence officials met to discuss Al Shifa and debated whether additional soil samples were needed.

On Aug. 12, after the list was winnowed down, Clinton and key National Security Council officials were briefed for the first time on the possible targets, including Al Shifa, by Shelton.

The next day, the CIA received a report that changed the nature of the debate and the pace of planning for the retaliatory strike. New intelligence showed that bin Laden and his key lieutenants would be meeting at camps in Khost, Afghanistan, on Aug. 20. Reports also indicated that bin Laden might be planning further attacks, possibly with chemical weapons.The Afghan camps were already among the top priority targets proposed by the Pentagon and CIA planners.

Some officials said the White House seemed determined to hit bin Laden in more than one place. Richard Clarke, the senior National Security Council aide who played a pivotal role in planning the operation on behalf of the president, later explained to a colleague that the Saudi exile had shown "global reach" by attacking U.S. embassies simultaneously in two countries. The United States, he then said, had to respond by attacking his network beyond its haven in Afghanistan.

In an interview, Clarke said it was the president and his principal foreign policy advisers who "obviously decided to attack in more than one place."

In the White House meeting on Aug. 19, where the final recommendations were to be made to the president, officials chose to target the Afghan training camps and two sites in the Sudan: Al Shifa and a tannery in Khartoum that intelligence reports indicated was linked to bin Laden.

Berger denies that there was a significant debate about the evidence concerning Al Shifa during that meeting. Rather, he said, there were "geopolitical" questions raised about whether it was appropriate to strike Sudan, an Arab country where bin Laden no longer lived. "There were a few people who felt we shouldn't go to a second country, but those questions were not based on any doubts about Al Shifa," he said.

Notes taken at the meeting, however, say that Tenet, the director of central intelligence, alluded to "gaps" in the case linking bin Laden to the factory. The agency, he said, was working to "close the intelligence gaps on this target."

Tenet said he had been careful to delineate "what we knew and didn't know, what the risks were, and what the downsides were," about Al Shifa.

Officials said Shelton objected to striking the Khartoum tannery, both because of the potential that missiles might hit civilians and because the site was not suspected of being involved in chemical weapons.

Officials recall that the debate was halted by Berger. The administration, he said, would justifiably be pilloried if the United States did not destroy Al Shifa and bin Laden later launched a chemical attack that could have been pre-empted.

A recommendation was sent to Clinton to attack the Afghan camps, Al Shifa and the tannery.

Later that day, Shelton and told his colleagues among the Joint Chiefs of Staff about the planned bombing, in part to gain their help in convincing the White House to drop the tannery as a target. It was the first time the service chiefs had been told about the pending operation.

After their meeting, Shelton called the White House to say that the officers shared his opposition to bombing the tannery. Other senior officials began to object, and Berger relayed those concerns to Clinton on Martha's Vineyard. At about midnight, Clinton consulted some of his senior advisors about the matter and at about 2 a.m. ordered that the tannery be removed from the target list.

In Washington, late in the day on Aug. 19th, several officials, including members of the administration's committee of top counter-terrorism experts, were summoned to Clarke's office at the National Security Council and told to remain there for the evening. The group's members had met

previously to discuss the idea of a retaliatory strike but had not been involved selecting targets.

The officials were told of the decision to strike for the first time that night by Clarke, according to a participant in the meeting. But as Clarke gave them reports to read about Al Shifa, he was met with skepticism.

Some members of the group told Clarke that they believed the intelligence on Al Shifa was too thin. "People said, "Dick, what is this?" according to the participant,

but Clarke brushed aside those concerns and said the decision to strike had already been made.

The officials had been summoned that night not to pass judgment on the targets, Clarke told them, but to help prepare paperwork related to the operation, including talking points for U.S. ambassadors around the world and briefings for Congress and the press that would begin after the strike was completed.

In an interview, Clarke denied that anyone had raised doubts to him during that meeting or at any other time either before or after the Al Shifa strike. The "people brought in the night before were brought in to do paperwork," not to review the targets, he said. Across the Potomac River, at the CIA's headquarters in Langley, Va., similar worries were being expressed. Senior agency officials gathered in Tenet's conference room to discuss the targets and, one participant said, there was strong disagreement about the plans.

Questions about Al Shifa also surfaced at the State Department just before the attack. Pickering was shown the intelligence analysts' memo expressing skepticism about the CIA's intelligence on Al Shifa, he said. Pickering said he mentioned the report's findings to Albright.

Pickering and Ms. Albright both decided to support the decision to strike, however. They were convinced that the CIA's materials -- primarily the soil sample from Al Shifa -- were persuasive, he said.

In the days after the strike, an international controversy erupted, with Sudan demanding damages and an independent review of case. In Washington, senior officials insisted in press briefings that the links between bin Laden, the factory, and chemical weapons were strong and compelling.

There was much less certainty behind the scenes.

Soon after the strike, word began to filter out of the government that senior U.S. intelligence officials, including Jack Downing, the head of the CIA's Directorate of Operations, its clandestine espionage arm, believed the Sudan strike was not justified.

Others raising similar questions included the head of the African Division in the clandestine service and the chief of the CIA's Counter-Terrorism Center, whose own office had collected the intelligence on the site.

While they did not question that the intelligence on Al Shifa raised strong suspicions, they found the connections between Sudan, Al Shifa and bin Laden too indirect to support the administration's public statements justifying the attack. . Downing and the other two officials, whose names have been withheld at the request of the CIA, would not comment.

At the intelligence branch of the State Department, officials began drafting the report renewing doubts about the evidence.

Soon after the strike, the CIA conducted an after-action study and gathered intelligence about the plant's owner, a Sudanese-born businessman named Salah Idris. In the weeks after the strike, the agency said it had found new evidence about his possible financial connections to the terrorist group Islamic Jihad, which in turn has strong connections to bin Laden.

But agency officials acknowledged that at the time of the strike they had not known that he owned the plant. Today, officials also acknowledge that the soil sample collected at Al Shifa was obtained about four months before Idris bought the plant in March 1998.

Now, officials also say that Idris was never put on the government's terrorist watch list, either before or after the attack, which would prevent him from obtaining a visa to the United States.

After the strike, the Treasury Department's Office of Foreign Assets Control froze Idris' accounts at Bank of America's branches in London and Guernsey, in the Channel Islands. That prompted Idris to file suit against the government seeking the release his funds. In May, Treasury agreed to unfreeze his assets, which totalled more than $24 million, just before the government's response to his lawsuit was due in court. Idris has reportedly considered filing suit against the United States seeking damages for the loss of his plant, but has not yet done so.

Bin Laden, meanwhile, remains in Afghanistan, and the United States has warned repeatedly over the past year that he has been attempting to conduct further terrorist acts against U.S. targets. Senior Clinton administration officials now say they believe bin Laden is trying to develop chemical weapons in Afghanistan, and may have obtained them.

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LETTER DATED 27 OCTOBER 1999 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I have the honour to notify you of continued violations of the ceasefire resolution and the Tehran agreement concerning the area of separation between Iraq and Iran that were committed by the Iranian side between 23 June and 4 October 1999, as shown in the list annexed hereto.

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(Signed) Saeed H. HASAN
Ambassador
Permanent Representative

Annex

Iranian violations of the ceasefire and the 1991 Tehran agreement, 23 June-4 October 1999

1. 23 June 1999

At 1600 hours the Iranian side abducted Private Sa'd Abd al-Wahid Hashim and Private Zaki Husayn Radi in the Jallat area, which is inside Iraqi territory, and took them to an unknown destination. They were released two hours later.

2. 21 July 1999

At 1200 hours the Iranian side abducted Private Ahmad Latif Hamid in the Fakkah area, which is inside Iraqi territory, and took him to an unknown destination. Eighteen days later he was released, taken to the Jallat post and deposited in a nearby wadi.

3. 23/24 July 1999

Mr. Ahmad Yasin Abbud, owner of boat No. 324/Basrah, and other boat owners were attacked by an Iranian patrol while fishing at Ra's al-Bishah on the Iraqi side. Their passbooks were torn up, and their fishing nets were cut to pieces.

4. 27 July 1999

At 0900 hours a helicopter was seen coming from inside Iranian territory and flying at an altitude of 20 metres over Hawr al-Murays. It carried out a reconnaissance of our units and then returned to the Iranian rear.

5. 4 August 1999

At 0930 hours the Iranian side proceeded to erect four pillars at each of the positions located at coordinates 375590, 320570, 342581 and 353590 (1:100,000 map of Saybah).

6. 8 August 1999

At 0900 hours the Iranian side proceeded to construct a new position at coordinates 1100 (1:100,000 map of Tahiri). A dirt road was built connecting the position with the Iranian rear and it was enclosed by an earth embankment. Five or six persons, armed military personnel, were working on it.

7. 8 August 1999

At 1000 hours the Iranian side proceeded to construct a new reed-built position on its boundary embankment at coordinates 9276 (1:100,000 map of Saybah). Eleven soldiers were working on it.

8. 10 August 1999

The Iranian side proceeded to erect four pillars at each of the positions located at coordinates 4353 and 436521 (opposite the Ziyadiyah area), 442513 (opposite the Duwayr river), and 426548 and 422541 (opposite the Wasiliyah area) (1:100,000 map of Saybah).

9. 14 August 1999

At 1700 hours four Iraqi civilians - metalworkers and carpenters - were at work near the Sumud post in Mandali when two of them were abducted by Iranian soldiers. The two abducted were Shakir Kamil Mut'ib Kaliz al-Nadawi and Kamil Ibrahim Mur'ib al-Nadawi. The body of the last-named victim was found near the Sumud post in Mandali.

10. 14 August 1999

At 1130 hours an Iranian helicopter was seen coming from inside Iranian territory and landing in the area opposite the Shihabi post, which is called Qal'at Bandar Shah, at coordinates 3645 (1:100,000 map of Shaykh Sa'd). A number of persons in military attire alighted from it. The helicopter subsequently returned with the military personnel on board to the Iranian rear.

11. 17 August 1999

At 1600 hours the Iranian side proceeded to erect four pillars at each of the positions located at coordinates 453498 and 465485 (opposite the Duwayb area), 482465 and 496452 (opposite Kut al-Khalifah), 518413 (opposite Hawz Mu'adiyah), and 508387 and 501378 (opposite the Bihar area) (1:100,000 map of Saybah).

12. 20 August 1999

The Iranian side established a new position 500 metres from the Sumud post at coordinates 4952 (1:100,000 map of Mandali). There are 10 to 15 military personnel at the position.

13. 23 August 1999

An Iranian engineering unit belonging to the Iranian Rayy Company installed steel piles in the Shatt al-Arab in the area between the Ma'amir region and Faw at coordinates 513313, 545265 and 549214 (1:100,000 map of Saybah), coordinates 357223 (1:100,000 map of Faw) and coordinates 603173 (1:100,000 map of Mina' al-Bakr). The unit consisted of a large pontoon, towed by two boats, with a hoist and a generator on board and 12 workers. It was accompanied by a red patrol boat with four passengers on board.

14. 25 August 1999

At 1200 hours a khaki-coloured combat helicopter was seen coming from the Bistin direction, flying at an altitude of 50 metres along the border strip

inside Iranian territory and heading towards the Rashid post at coordinates 6434 (1:100,000 map of Hawr al-Hawizah).

15. 31 August 1999

The Iranian side installed steel piles in the Shatt al-Arab opposite the Faw area and Ra's al-Bishah at coordinates 620165, 635162, 648156, 662154, 670152 and 674149 (1:100,000 map of Mina' al-Bakr).

16. 1 September 1999

At 1000 hours an Iranian helicopter was seen coming from Muhammarah at coordinates 9774 (1:100,000 map of Saybah), flying parallel to the boundary 1 kilometre inside Iranian territory and heading north. At 1020 hours it returned to the Iranian rear.

17. 13 September 1999

At 0200 hours the Iranian side installed four steel piles arranged in a square and coming together at the top to form a pyramid 10 metres above ground level and 20 metres from the Iranian shore at coordinates 370216 (1:100,000 map of Faw).

18. 13 September 1999

At 0800 hours the Iranian side spread earth along the shore using two front end loaders, five tipper trucks and a pick-up at coordinates 518415 (1:100,000 map of Saybah)

19. 14 September 1999

At 1130 hours the Iranian side proceeded to build a new prefabricated concrete monitoring post surrounded by an earth embankment and manned by five armed military personnel in front of our units at coordinates 9199. They then raised the Iranian flag over it.

20. 16 September 1999

At 1630 hours an Iranian helicopter was seen coming from Iran's Fakkah area to its Shayb post. It landed at the post and four persons alighted from it to meet with six other persons. Ten minutes later the helicopter left in the direction of Bistin in Iran.

21. 23 September 1999

At 1200 hours a khaki-coloured helicopter was seen coming from inside Iranian territory and landing at coordinates 793 (1:100,000 map of Tib). Thirty minutes later it returned to the Iranian rear.

22. 24 September 1999

At 1400 hours a khaki-coloured helicopter was seen coming from inside Iranian territory. It was flying at an altitude of 400 metres and stayed at coordinates 393 (1:100,000 map of Tib) for 30 minutes before returning to the Iranian rear.

23. 27 September 1999

At 1300 hours an Iranian helicopter was seen on a flight path from coordinates 5539 to coordinates 5946 inside Iranian territory at a distance of 3 kilometres from our units. It then returned to the Iranian rear.

24. 27 September 1999

At 1300 hours an Iranian helicopter was seen on a flight path from coordinates 6139 to coordinates 6146 inside Iranian territory at a distance of 3 kilometres from our units. It then returned to the Iranian rear.

25. 28 September 1999

While the floating crane Sanam was engaged in its assigned tasks in the Basman area in the Shatt al-Arab between 24 and 30 August 1999 it came under fire from the eastern bank of the river. One of the rounds fired hit a vessel aground in the same area.

26. 29 September 1999

At 1210 hours a helicopter was seen coming from inside Iranian territory and landing near the Iranian Shayb post at coordinates 7221 (1:100,000 map of Shayb). Four persons alighted from it, one of them in civilian attire, and they held a meeting with the post personnel for about half an hour. The helicopter then took off for the Iranian rear, flying at an altitude of 25 metres.

27. 1 October 1999

At 2100 hours the Iranian side fired an 81-mm mortar bomb that impacted in the northern Majnun oilfield.

28. 2/3 October 1999

An Iranian engineering unit affixed sheets of plate metal to the piles previously installed in the area between Muhammarah and Abadan to form an observation post.

29. 3 October 1999

An Iranian engineering unit installed small pillars around the main piles arranged in a square in the middle of the area between Muhammarah and Abadan. The unit consisted of nine persons in civilian attire with equipment for welding the pillars.

30. 4 October 1999

At 1430 hours an Iranian helicopter was seen flying over the border strip in front of the Rumaythah post at coordinates 1046. It then returned to the Iranian rear.

31. 4 October 1999

At 1500 hours another Iranian helicopter was seen in the area opposite the Darraji post at coordinates 10173 coming from the Mehran region. At 1510 hours it returned to the Iranian rear.